IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	Hericourt et al.	Conf. No.:	4960
Serial No.:	10/007,750	Art Unit:	2137
Filed:	13 November 2001	Docket No.:	FR920000073US1 (IBME-0166)
Title:	METHOD AND SYSTEMS FOR USING WITH CONFIDENCE CERTIFICATES ISSUED FROM CERTIFICATE AUTHORITIES	Examiner:	Abyaneh, Alis S.

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Commissioner for Patents
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PRE-APPEAL BRIEF CONFERENCE REQUEST

Sir:

Applicant respectfully requests that a panel of experienced examiners perform a detailed review of appealable issues for the above-identified patent application pursuant to the Pre-Appeal Brief Conference Pilot Program. Applicant submits that the above-identified application is not in condition for appeal because the Office has failed to establish that any of the pending claims is anticipated based on an error in facts. Claims 1-9 are pending in this application.

In the Final Office Action of 16 October 2006, the Examiner maintains the rejection of claims 1-9 under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,134,550 to Van Oorschot et al. Specifically, the Examiner states that "'as

few as one certificate authority' does not mean only one single certificate authority and it could be interpreted as <u>one or more certificate authority</u>" and that "Van Oorschot teaches a table including identification of individual certificate authorities, this clearly reads on the applicant's claim limitation (see column 5, lines 7-14 and column 9, lines 32-36)." Final Office Action at 2 (emphasis in original).

As explained in Applicants' 01 August 2006 Amendment, the Examiner has misinterpreted one or both of Van Oorschot et al. and the present application. *See* **01 August 2006 Amendment at 7-9.** With respect to Van Oorschot et al., the portions cited by the Examiner read, in their entireties:

> Alternatively, the certificate chain data constructing unit can provide names or directory information or other identification data of those <u>certification authorities in a selected path</u> <u>between a beginning and target certification authority</u>, for example the target CA being the CA which issued the certificate of a subscriber whose public key certificate is to be verified.
>
> Van Oorschot et al., column 5, lines 5-13 (emphasis added).

> As another embodiment the certificate chain data 209 may represent individual <u>certificates</u> from the distributed memory 302 or certificate chain data 209 may represent links in a trusted path from which a certificate chain may be determined.
>
> Van Oorschot et al., column 9, lines 32-36 (emphasis added).

The first quotation above makes clear that the method of Van Oorschot et al. requires <u>at least two</u> certification authorities, e.g., a beginning certification authority and a target certification authority. *See* **01 August 2006 Amendment at 8;** *see also* **29 December 2005 After-Final Amendment at 7-8, 20 July 2005 Request for Reconsideration at 6**. That is, the method of Van Oorschot et al. is inoperable and/or inapplicable in the event that a single certificate authority is involved or available.

The second quotation above fails to cure this defect and, in fact, offers no support for the Examiner's allegation that "Van Oorschot teaches a table including identification of individual certificate authorities." The quoted language relates to individual certificates, not certification authorities. In fact, as noted in Applicants' 01 August 2006 Amendment, the "certificate chain data" that represents the individual certificates comprise relationships among <u>at least two</u> certification authorities: "Certificate chains correspond to directed trust paths, also known as certification paths, such as trust relationships among certification authorities where at least one certification authority (CA) has certified another certification authority." Van Oorschot et al., column 2, lines 22-26. *See* **01 August 2006 Amendment at 8.**

Despite the above insistence by the Examiner to read the claim language "as few as one" as equivalent to "one or more," the Examiner goes on to assert that "Van Oorschot teaches a method for filtering certificates issued from as few as one certificate authority." Final Office Action at 3. As noted above, this is clearly false. The Examiner has failed to cite any portion of Van Oorschot et al. that allegedly teaches any method involving "as few as one" certificate authority.

With respect to the language of the pending claims, Applicants respectfully assert that the Examiner's interpretation of the phrase "as few as one certificate authority" as equivalent to "one or more certificate authority" and that the claims are therefore anticipated by Van Oorschot et al., the methods of which, as described above, require at least two certificate authorities, is both factually and logically untenable. *See* **01 August 2006 Amendment at 8-9, 29 December 2005 After-Final Amendment at 7-8, 20 July 2005 Request for Reconsideration at 6.**

Applicants assert that the phrases "as few as one" and "one or more" are not equivalent. For example, if one were to restrict a group of procedures to those operable using "as few as one step," the group would include those procedures that include only one step as well as those that include more than one step but which are also operable using only one step. Contrarily, if one were to restrict the group of procedures to those operable using "one or more steps," the group would include all procedures having at least one step. That is, a procedure that is operable only when it includes two or more steps would be excluded from the group requiring operability using "as few as one step" but would not be excluded from the group requiring operability using "one or more steps."

Applicant's use of the phrase "as few as one" in claims 1 and 7 is no different. The claimed methods require the ability to filter certificates issued from as few as one certificate authority. Thus, certificate filtering methods requiring data from more than one certificate authority, such as those of Van Oorschot et al., are not methods for filtering certificates issued from as few as one certificate authority.

Applicants assert that, given the above distinction between "as few as one" and "one or more," none of the pending claims, each directed toward filtering certificates issued from "as few as one certificate authority," is anticipated by Van Oorschot et al., which, as explained above and in Applicants' earlier responses, requires a relationship between or among certification authorities and therefore at least two certification authorities. *See* **01 August 2006 Amendment at 8-9, 29 December 2005 After-Final Amendment at 7-8, 20 July 2005 Request for Reconsideration at 6.**

In view of the foregoing, Applicant submits that the Office has failed to establish that any of the pending claims is anticipated by Van Oorschot et al., that this application is not in condition for appeal, and that this application should either be allowed as is, or re-opened for further prosecution.

With respect to features in the dependent claims not specifically referenced herein, the dependent claims are believed to be allowable based on the above-described arguments, as well as for their own additional features.

Applicant respectfully submits that the application is not in condition for appeal. Should the examining panel believe that anything further is necessary to place the application in better condition for allowance or for appeal, they are requested to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

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